

"The Water Does Not Stay in the Park. Use It Outside."
"There is a Heap More in this World than Three Meals a Day."

John Barton Payne
Formerly Secretary
of the Interior



ISSUED FOR THE INFORMATION OF MEMBERS

THE NATIONAL PARKS ASSOCIATION

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Department of Interior

NOW TO DEFEAT THE DANGEROUS WALSH BILL

*Department of the Interior Proves the Bill's Total Incompetency to
Accomplish the Results which its Promoters Claim for It*

SOME millions of American voters, by informing the Sixty-sixth Congress of their unalterable purpose to preserve the National Parks and Monuments in their historic condition of complete conservation, won two important victories against aggressive commercialism in the last session. One of these was the defeat of the Smith bill, which asked authority to build an irrigation dam in the Yellowstone National Park. The other was the passage of the Jones-Esch bill rescuing National Parks and Monuments from the application of the Water Power Act.

The important duty now before this nation is the defeat of the Walsh bill, just introduced in the Sixth-seventh Congress, calling for the damming of Yellowstone Lake, Yellowstone National Park.

This constitutes the most insidious and dangerous blow ever aimed at American Conservation, because it seems to ask for so little while really demanding the entire National Parks System, for if Congress grants Senator Walsh his way with Yellowstone it cannot refuse to grant others their way with other national parks.

There is only one way to defeat this very dangerous bill, and that is to tell your representatives in the Sixty-seventh Congress what you want them to do. There are a hundred and thirty new members in the new Congress who have not yet heard the people's purpose.

The Walsh Bill

The Walsh bill "for the erection and maintenance of a dam across the Yellowstone River in the State of Montana," was introduced in the Sixty-seventh Congress on April 11, 1921, the first day of the special session. Its text is identical with the bill which Senator Walsh introduced in the Senate at the last session.

Two facts are noticeable at the start. One is that the bill's title omits to state that the proposed dam is in the Yellowstone National Park. The other is that, for some reason unknown to us, Senator Walsh has introduced the identical bill twice. One is designated S. 274, and the other S. 275. The text follows:

The Text of the Walsh Bill

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the right is hereby granted to the State of

Montana to erect and maintain a dam across the Yellowstone River at a point to be selected by it, not more than three miles below the outlet of Lake Yellowstone, for the purpose of conserving the flood waters draining into said lake, for use in the irrigation of lands in the valley of the said river beyond the bounds of the Yellowstone National Park.

The said dam shall be so constructed as to serve as a bridge for foot and vehicular travel over said river, and shall be of no greater height than is necessary to maintain the level of the said lake at the mean high-water mark, hereby declared to be six feet above the mean low-water mark.

That plans for the construction of the said dam shall before work is commenced, be approved, and the mean low-water mark, upon the request of the said State, shall be fixed by the Director of the Reclamation Service.

The work of construction of the said dam shall be conducted only by the said State of Montana, or by some irrigation district or association of irrigation districts authorized by it, and the right to the use of the waters conserved through such dam shall never be authorized by the said State except by the qualified water users of irrigation districts. The flow of the water through the said dam shall be regulated and controlled by the said State of Montana.

The right to authorize the use, for the development of hydroelectric energy, of any of the waters conserved by means of the said dam, is hereby reserved to the United States, but any revenues derived from such reserved use shall accrue to the State of Montana for the benefit of the said State or the irrigation district or districts, assuming the charge for the construction of the said dam.

Nothing herein contained shall be construed to authorize the construction or diversion of conduit or other works save said dam within the Yellowstone National Park.

History of the Walsh Bill

The plan was originally invented by a young man in Livingston, Montana, as a rival to an Idaho scheme of several years ago to dam Yellowstone Lake and tunnel its waters into Idaho. Why should Idaho, he demanded, profit by a lake whose natural outlet, Yellowstone River, flowed through four hundred arid miles of Eastern Mon-

tana? Let Montana control this lake. It would make a popular cause—in Montana.

A group of local business men in Livingston, which is the nearest big town to the park, created an organization and made the inventor of this scheme its executive secretary. They raised a little money and he started propaganda all over the State. He preached that a dam six feet high at the foot of Yellowstone Lake would make the great valley of the Yellowstone "blossom like a rose." He also alleged that it would stop the disastrous June floods.

Propaganda Instead of Investigation

It is interesting that the promoters made these claims before making any survey either of the lake or the valley. In fact it appeared at the Congressional hearing last February that even then they had made none. Their "facts" were selected from reports.

Nearly all the statements then and since made by these promoters *have been officially disproved by the Department of the Interior*. But nobody has ever disputed that the dam, if built, will make the Yellowstone Irrigation Association a prosperous and permanent organization, or that it will benefit, at the State expense, the immediate neighborhood of Livingston. The bill even provides that any water power profits which may accrue shall go to the promoters, no matter who does the work.

That the plan has no local scientific standing is shown by its dismissal, in the last Montana State Irrigation Report upon existing and future projects, as "a promotion in Congress.

Promotion by Politics

From the first, the promoters invoked politics—and prospered. The executive secretary stumped the State preaching prosperity. Politicians joined in the popular cry. Arid Montana was to bloom at last.

Everywhere they posed as the warm friends of Yellowstone National Park. This six-foot dam, they declared, would not hurt the park. On the other hand, it would "help" the park. It would "increase the size and beauty of the falls." *They scoffed at the fact that it would open Yellowstone to all kinds of other schemes—to that Idaho plan, for one example, to dam Shoshone and Lewis Lakes; also, inevitably, to Congressman Smith's proposed Falls River Basin Reservoir, even if meantime defeated in Congress.* They declared these arguments visionary and sentimental. "This is a practical question," they insisted.

Nevertheless an undercurrent of opposition early developed in Montana, which has its fair share of patriotic and thinking people. This opposition is now growing rapidly among business men.

The Real Meaning of the Bill

Senator Walsh added great impetus to the promotion both in Congress and in Montana.

In December, 1920, he introduced in the Senate a bill identical with the present bill. It is a skillfully worded document. It endeavors, to quote our Bulletin 14, of December 22, 1920, "to undercut the rising tide of public opinion by trying to make it appear that the State will cut a considerable figure, that this will be in fact a State dam. To the same purpose he disguises the little group of Livingston organizers and their tributary ranchmen under the title of 'some irrigation district or association of irrigation districts.' A careful rereading of the text with this hint in view will disclose something of the bill's real purpose. Under its showy phrases lies the solid fact that no one but the Livingston group shall build the dam

operate and control it, and reap the financial returns, even those from any water power which may develop in Yellowstone National Park.

"The function of the State of Montana is that of the dummy to spread the cloak of authority over the operation! The function of the nation is to play the passive part of the patient on the operating table!"

Strategy in the Senate

Naturally the bill would have been referred to the Public Lands Committee, which, because charged with the handling of national parks legislation, possesses the necessary experience, historical perspective and national point of view.

But Senator Walsh got it referred to the Irrigation and Reclamation of Arid Lands Committee, one of whose objects is to promote irrigation, and all of whose members come from irrigation States. This was skilful strategy, for he himself is a member of the Irrigation Committee, as it is popularly called, and the bill's reference there also gave him the opportunity, which he is using to the full, of handling it with all the particularity and care of a lawyer with an intricate case in court. In this court he is also one of the jurymen and one of the judges.

The Irrigation Committee in the present Senate consists of the following members:

Republicans

Charles L. McNary, Chairman,
Oregon
Wesley L. Jones, Washington
Lawrence C. Phipps, Colorado
Frank R. Gooding, Idaho
Ralph H. Cameron, Arizona
Tasker L. Oddie, Nevada
Samuel M. Shortridge, California

Democrats

Morris Sheppard, Texas
Thomas J. Walsh, Montana
John B. Kendrick, Wyoming
Key. Pittman, Nevada

Interior Department Disproves Claims

At the end of last February, the promoters played another trump by springing an unexpected hearing. It had been thoroughly understood that the hearings as well as the bill would go over to the new Congress, but the Livingston promoters quietly arrived in town one night and, on the strength of their being here, an unannounced hearing was granted them on Washington's Birthday.

Senator Walsh then insisted that the defense be heard at once, also, which proved fortunate for the defense, for Superintendent Horace M. Albright, of Yellowstone National Park, and George E. Goodwin, Chief Engineer of the National Park Service and an accomplished irrigation engineer, happened to be still in the East.

These hearings, which covered four days, thoroughly showed up the unstudied nature of the project, the falsity of its premises, and *its total incompetency to accomplish the results claimed for it by its promoters.*

Secretary Payne Makes a Prediction

"When once you establish the principle that you can encroach on a national park for irrigation or water power," Secretary of the Interior John Barton Payne told the Committee, "you commence a process which will end only in the commercialization of them all."

When asked if he realized that this bill only called for a dam six feet high, he predicted that it would soon be followed by a bill asking permission to raise the dam to twenty-five feet.

"And the fight to get that," he stated impressively, "will be just as insistent as the fight now to get six feet."

Serious Losses to Yellowstone

Superintendent Albright stated that the proposed dam would cause the submergence of the world-celebrated Fishing Cone and several of the most brilliantly colored hot springs in the world. Molly Island, the prehistoric breeding place of the famous white pelicans, would be covered, which probably would result in these migratory birds passing forever from Yellowstone. Roads east of Thumb, at Bay Ridge and at Pelican Creek, would be submerged, and piers opposite the Lake Hotel and part of the fish hatcheries would have to be rebuilt.

Fishing Bridge, which has become a kind of national institution, would pass forever, and with it the only place where the least skilful are practically sure of catching large trout. He made much of the new beaches which the heavy surfs of windy days on the lake would establish at higher levels, undermining forested banks.

Goodwin Calls It "An Impractical Project"

The following summary of Engineer Goodwin's testimony, revised as to its facts by Mr. Goodwin himself, is reproduced from our Bulletin 17. The comments, of course, are our own.

Mr. Goodwin spoke as an expert in irrigation with years of experience in the Yellowstone Valley of Montana. While an engineer in the U. S. Reclamation Service he had charge of the designing and construction of the distributing system of the government's Huntley Project on the Yellowstone River, and had built most of the main canal.

He told the Irrigation Committee that the proposed Yellowstone Lake project was impractical as claimed by the promoters; that it would not have material effect upon the floods which they claimed it would control, and that it *could not supply water enough* to furnish the irrigation promised. He proved his points with maps, hydrographs and figures from government reports.

Mr. Goodwin began by stating that primarily he was an irrigation engineer, that he had spent years in studying Montana conditions and projects, and that he strongly favored every irrigation plan to benefit Montana which was practicable. His opinion was that the greatest good which could come to the State would be the completion of the United States Reclamation projects and of other irrigation projects which are now only partially constructed.

More Effective Dam Sites Outside Park Limits

The fact is, he said, that at this time there exists no need for irrigating the lands indicated by this bill because there are much larger areas farther down the valley which, as described in the reports of the United States Reclamation Service and the State Irrigation Commission, are more readily available. There are hundreds of thousands of acres of Montana land for which water is now available without touching Yellowstone National Park, and in some cases storage works have already been built but the water not utilized by farmers.

He said that there were many feasible storage projects by the United States Reclamation Service which not only would provide water for new irrigable lands, but would also contribute substantially to flood control. He discussed irrigation dam sites on the Big Horn and other tributaries which would help materially in flood control.

Damming Lake Will Not Lessen Flood Damage

Mr. Goodwin's proof that a dam at the foot of the lake would not control floods in the lower valley was complete. In the heavy flood year of 1918, on which the claims of the promoters were based, he showed that Yellowstone Lake

contributed 8,550 second feet as compared with the following approximate contributions of confluents below the lake: Lamar River, 11,450 second feet; Gardiner River, 6,000 second feet; Shield's Creek, 4,000 second feet; Boulder River, 6,000 second feet; Stillwater River, 8,000 second feet; Clark Fork, 13,000 second feet; Big Horn River, 35,000 second feet; Tongue River, 8,000 second feet; and Powder River, 10,800 second feet.

The lake's contribution was only 7.4 per cent and nearly the whole damage occurred at and near Forsyth, which is just below the confluence of the Big Horn and about two hundred and forty miles below Yellowstone Lake. It was the Big Horn's 35,000 second feet, four times the output of Yellowstone Lake, which increased the river sixty per cent just above the city and wrought the damage.

Approaching the flood question from the drainage-area point of view, he showed that the area drained by the lake was about nine hundred square miles as compared with more than sixty-six thousand square miles drained by the river and its tributaries below the lake, or 1.4 per cent of the whole.

Lake's High Water Enters After Damage is Done

But even without these facts, Engineer Goodwin proved his point by a series of hydrographs covering every year from 1913 inclusive, which showed that the maximum flood crest from the lake occurred from twelve days to a month later than the flood crest of the river even at Corwin just below the national park boundary. The lake is itself a restraining reservoir. These hydrographs showed the rise, the peak and the decline of the flood waters in all the main tributary systems. The damage was caused by confluents in the lower valley, especially the Big Horn.

Thus disappears one of the two principal reasons for which the nation is asked to sacrifice Yellowstone National Park and, by the precedent thus established, its national park system.

Irrigation Claims Also Fail

Taking up the promoters' irrigation claims, Mr. Goodwin deduced from their statement that the entire normal flow of the river was needed to satisfy existing irrigation requirements, the fact that the only water available for new irrigation would be the difference between the normal run-off of the lake and the water which could be impounded by the proposed dam.

Now the seven years' average run-off of 278,540 acre-feet in July and of 164,700 acre-feet in August amounts to 443,280 acre-feet, all of which is required for current irrigation uses. Therefore subtracting it from the total storage capacity of the proposed reservoir claimed as approximating 540,000 acre-feet, we have left a practicable average annual storage of 96,720 acre-feet.

This would serve to irrigate only 50,000 acres of new land instead of the 250,000 acres promised by the promoters.

Two Years Out of Seven Dam Will Utterly Fail

But even this much is true only of average years. Mr. Goodwin proved from the records of seven years that, in two of these seven, the total inflow into the lake during the storage period of June, July and August was considerably less than the 540,000 acre-feet which the promoters estimate must be stored.

Mr. Goodwin then proved that, during the water shortage years of 1915 and 1919, the two years of the seven when a dam at the lake would have been most useful, the combined discharge for June, July and August, *even if all the water were impounded and none allowed to run down the river*

bed and over the falls, was far below the amount they claim that it is necessary to impound in order to accomplish their purposes.

Specifically, in 1915 the total discharge for the three storage months would have fallen 175,600 acre-feet short of enough to fill the proposed reservoir, and in 1919 it would have fallen 239,600 acre-feet short of enough to fill the reservoir.

May Have to Stop the Falls Entirely

And, note carefully, even that much water could have been stored in those years *only by shutting off all the water from the river and the falls!*

In this connection it is useful to recall that the Walsh bill provides that national park authorities shall have nothing to do with the amount of water which will be permitted to flow in the river and over the falls. The text states that "the flow of the water shall be regulated and controlled by the said State of Montana," which may, for all we can prophesy, deputize it to the Yellowstone Irrigation Association of Livingston.

To be sure, the promoters magnanimously declare that it is their "intention" to permit at all times a flow of a thousand second feet to pass down the river and over the falls for the pleasure of visitors in Yellowstone National Park. We shall hope that the State's deputies will be generous to those owners of Yellowstone who happen to choose drought years in which to visit their great possession.

Thus disappears, also, the second of the two reasons for which the nation is asked to sacrifice Yellowstone National Park, and, by the precedent it will create, its national park system.

The Truth About "Increasing the Park's Beauty"

But Mr. Goodwin was not through yet. Replying to the claim of Senator Walsh and the promoters that the proposed dam would increase the beauty of the falls by increasing the volume of water flowing over them, he analyzed the conditions which would have prevailed during the twenty-eight tourist months of the last seven years if the dam had then existed and been managed under the proposed regulations.

He showed that, during ten of these twenty-eight months, more water would have passed over the falls than under natural conditions; *during eleven of these months the flow over the falls would have decreased; during one month there would have been no change from the natural volume; and during the remaining six months there would not have been enough flow to permit of its increase or regulation.*

Mr. Goodwin was prepared to disprove the claim that the dam would assist low water navigation in the lower Mississippi River, but the committee was not interested enough in the claim to listen to its demolition.

The Revolt in Montana

As long ago as January the undercurrent of discontent in Montana showed a tendency to spread. Not only were many broad-minded people opposed on national grounds, but business men and bankers, approaching the question from the State interest point of view, suspected it of being one of those numerous over-optimistic schemes which fail to accomplish what their enthusiastic promoters claim. Fearing increased taxation without compensating returns, they sought information, meantime refusing to commit themselves.

To counteract this, the promoters, with the assistance of politicians, renewed their popular campaigning and

increased their superficial support. They also persuaded the Legislature, which meets every second year, to pass a memorial to Congress favoring the bill. This memorial was based wholly on the representations of the promoters and was passed previous to the Department of the Interior's damaging exposure, before the Irrigation Committee in late February, of the fallacy of these representations.

At the present time both the popular hurrah for the bill and the revolt of conservative business interests against it appear to be increasing in Montana. So far business has not spoken. Just now promotion and politics are having their innings.

Nevertheless, the tide is turning. In Bozeman and elsewhere citizens are circulating petitions against the Walsh bill.

But the Truth Will Out

The fact that the Interior Department has exposed the bill's total incompetency to accomplish the purposes claimed for it is *practically unknown either in Congress or Montana.*

This testimony is buried in Part 4 of a series of four official reports of the hearing of which only a few hundred copies were printed. Probably not fifty people have read it. Like all technical testimony, it is hard reading and difficult for the inexpert in irrigation to understand. Some one has aptly called these printed hearings "cemeteries."

So far the advocates of the Walsh bill have called nobody's attention to this government testimony. We are inclined to think that they never will.

Nevertheless, the real facts will become known in time.

Another Smith Bill Predicted

But the Walsh bill is not the only issue which may come before the Sixty-seventh Congress. The prediction is current that Representative Addison Smith of Idaho will introduce another and different kind of bill for authorization of his proposed reservoir in the Falls River Basin of the Yellowstone National Park.

News reaches us from Idaho that there is active agitation in the State in favor of this reservoir, which makes this prediction highly probable.

The Important Question of New National Parks

The question of the status of new National Parks will also come up in the event of a bill being introduced for the creation of any new national park.

It will be recalled that the Jones-Esch Act, passed at the last session, rescued only *existing* national parks and monuments from the application of the Federal Water Power Act. Any new national park, therefore, unless the bill creating it otherwise specifies, automatically will fall under the application of the Water Power Act, which means that the Water Power Commission will possess the right to issue permits at will for every kind of water power equipment—dams, power houses, transmission lines and all the rest.

We must therefore watch every bill for a new national park with the closest care, and if the act creating it, however desirable the new park may be, should have these saving clauses stricken out of it in passage, it will become the nation's duty to demand immediately its amendment or its repeal.

Sooner or later, and the sooner the better, Congress must pass a law releasing future national parks from the application of the Water Power Act and placing them, with the rest of the system, under the sole authority of Congress.

Two classes of national parks, as now provided for by law, are illogical and unthinkable.

ROBERT STERLING YARD, Executive Secretary.

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